



PATENT

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July 10, 2001
Date

Linda Povinelli
Linda Povinelli

#22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : B. Brett Finlay *et al.*
Application No. : 09/189,415
Filed : November 10, 1998
For : HOST RECEPTOR FOR PATHOGENIC BACTERIA

Examiner : S. Devi
Art Unit : 1645
Docket No. : 482112.402
Date : July 10, 2001

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Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES

Commissioner for Patents:

In response to the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed June 27, 2001, Applicants submit the following:

- (1) Declaration regarding Sequence Listing;
- (2) Paper copy of Sequence Listing (11 pages);
- (3) Computer Readable Form of Sequence Listing; and

(4) Copy of Notice to Comply.

The enclosed Sequence Listing includes no new material and complies with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. Applicants respectfully submit that this application is now in compliance with 37 C.F.R. §§ 1.821-1.825 and WIPO Standard 25.



00500

PATENT TRADEMARK OFFICE

Respectfully submitted,

Seed Intellectual Property Law Group PLLC

Jeffrey C. Pepe, Ph.D.

Registration No. 46,985

Phone: (206) 622-4900

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JCP:Imp

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Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM


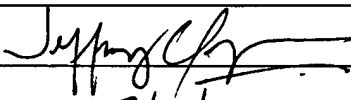
(To be used for all correspondence after initial filing)

Application Number	09/189,415
Filing Date	November 10, 1998
First Named Inventor	B. Brett Finlay
Group Art Unit	1645
Examiner Name	S. Devi
Attorney Docket No.	482112.402

ENCLOSURES (check all that apply)

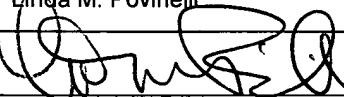
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition TO REVIVE <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Declaration re: Sequence Listing <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Response to Notice to Comply;</u> <u>Paper Copy of Sequence Listing;</u> <u>CRF of Sequence Listing (11 pages); and</u> <u>Copy of Notice to Comply with Sequence Requirements</u>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Jeffrey C. Pepe, Ph.D.	 00500 PATENT TRADEMARK OFFICE
Signature		
Date	7/10/01	

CERTIFICATE OF MAILING

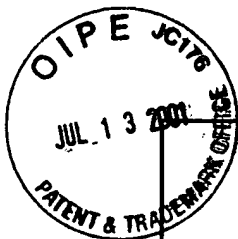
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name	Linda M. Povinelli	
Signature		Date: 7/10/01

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)**620.00****Complete if Known**

Application Number	09/189,415
Filing Date	November 10, 1998
First Named Inventor	B. Brett Finlay
Examiner Name	S. Devi
Group Art Unit	1645
Attorney Docket No.	482112.402

METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

19-1090

Deposit
Account
Name

Seed Intellectual Property Law Group PLLC

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 and credit any overpayment to Deposit Account Number above.

- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims		** =	X	=
Independent Claims		** =	X	=
Multiple Dependent			X	=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	620
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**620****SUBMITTED BY**Name (Print/Type) **Jeffrey C. Pepe**Registration No. **46,985**
Attorney/Agent)Firm Name/
Address

Signature

Date

7/10/01



00500

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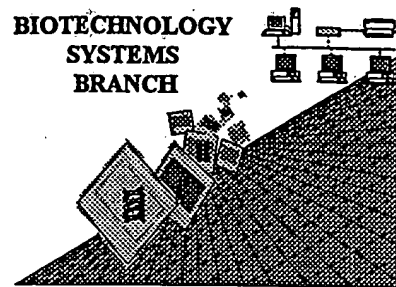
168585

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V. Ryan
O I P E JC176
JUL 13 2001
OFFICE

RAW SEQUENCE LISTING **ERROR REPORT**

BIOTECHNOLOGY
SYSTEMS
BRANCH



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following CRF diskette:

Application Serial Number:

09/189,415

Art Unit / Team No. :

1641

Date Processed by STIC:

3/10/2000

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THE ATTACHED PRINTOUT EXPLAINS THE ERRORS DETECTED.

PLEASE BE SURE TO FORWARD THIS INFORMATION TO THE APPLICANTS BY EITHER:

1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANTS ALONG WITH A NOTICE TO COMPLY or,

2) CALLING APPLICANTS AND FAXING THEM A COPY OF THE PRINTOUT WITH A NOTICE TO COMPLY

THIS WILL INSURE THAT THE NEXT SUBMISSION RECEIVED FROM THEM WILL BE ERROR FREE.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL:

MARK SPENCER 703-308-4212

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JUL 13 2001

Application No.: 09/189,415

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

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SERIAL NUMBER:

09/189,415

1 _____ Wrapped Nucleics The number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".

2 _____ Wrapped Aminos The amino acid number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".

3 _____ Incorrect Line Length The rules require that a line not exceed 72 characters in length. This includes spaces.

4 _____ Misaligned Amino Acid The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs
Numbering between the numbering. It is recommended to delete any tabs and use spacing between the numbers.

5 _____ Non-ASCII This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.

6 _____ Variable Length Sequence(s) _____ contain n's or Xaa's which represented more than one residue.
As per the rules, each n or Xaa can only represent a single residue.
Please present the maximum number of each residue having variable length and
indicate in the (ix) feature section that some may be missing.

7 _____ PatentIn ver. 2.0 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid
sequence(s) _____. Normally, PatentIn would automatically generate this section from the
previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section
to the subsequent amino acid sequence.

8 _____ Skipped Sequences Sequence(s) _____ missing. If intentional, please use the following format for each skipped sequence
(OLD RULES) (2) INFORMATION FOR SEQ ID NO:X:
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:
This sequence is intentionally skipped

 Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).

9 _____ Skipped Sequences Sequence(s) _____ missing. If intentional, please use the following format for each skipped sequence.
(NEW RULES) <210> sequence id number
 <400> sequence id number
 000

10 _____ Use of n's or Xaa's Use of n's and/or Xaa's have been detected in the Sequence Listing.
(NEW RULES) Use of <220> to <223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

1 _____ Use of <213>Organism Sequence(s) _____ are missing this mandatory field or its response.
(NEW RULES)

2 _____ Use of <220>Feature Sequence(s) _____ are missing the <220>Feature and associated headings.
(NEW RULES) Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"
Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)

3 _____ PatentIn ver. 2.0 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted
file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).
Instead, please use "File Manager" or any other means to copy file to floppy disk.

AKS-Biotechnology Systems Branch- 5/15/99

amino acid
from the
> section

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V. Ryan

1641

PAGE: 1

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/189,415

DATE: 03/10/2000
TIME: 15:42:36

Input Set: I189415.RAW

This Raw Listing contains the General Information
Section and up to first 5 pages.

Does Not Comply
Corrected Diskette Needed

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1 <110> APPLICANT: Finlay, Brett B
2 Kenny, Brendan
3 DeVinney, Rebekah
4 Stein, Markus
5 <120> TITLE OF INVENTION: HOST RECEPTOR FOR PATHOGENIC BACTERIA
6 <130> FILE REFERENCE: 07422/013001
7 <140> CURRENT APPLICATION NUMBER: US/09/189,415
8 <141> CURRENT FILING DATE: 1998-11-10
9 <150> EARLIER APPLICATION NUMBER: 60/065,130
10 <151> EARLIER FILING DATE: 1997-11-12
11 <160> NUMBER OF SEQ ID NOS: 9
12 <170> SOFTWARE: PatentIn Ver. 2.0
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PAGE: 2

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/189,415

DATE: 03/10/2000
TIME: 15:42:36

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58      20          25          30
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60      35          40          45
61      Leu Phe Ser Pro Leu Arg Asn Ser Met Ala Asp Ser Val Asp Ser Arg
62      50          55          60
63      Asp Ile Pro Gly Leu Pro Thr Asn Pro Ser Arg Leu Ala Ala Ala Thr
64      65          70          75          80
65      Ser Glu Thr Cys Leu Leu Gly Gly Phe Glu Val Leu His Asp Lys Gly
66      85          90          95
67      Pro Leu Asp Ile Leu Asn Thr Gln Ile Gly Pro Ser Ala Phe Arg Val
68      100         105         110
69      Glu Val Gln Ala Asp Gly Thr His Ala Ala Ile Gly Glu Lys Asn Gly
70      115         120         125
71      Leu Glu Val Ser Val Thr Leu Ser Pro Gln Glu Trp Ser Ser Leu Gln
72      130         135         140
73      Ser Ile Asp Thr Glu Gly Lys Asn Arg Phe Val Phe Thr Gly Gly Arg
74      145         150         155         160
75      Gly Gly Ser Gly His Pro Met Val Thr Val Ala Ser Asp Ile Ala Glu
76      165         170         175
77      Ala Arg Thr Arg Ile Leu Ala Lys Leu Asp Pro Asp Asn His Gly Gly
78      180         185         190
79      Arg Gln Pro Lys Asp Val Asp Thr Arg Ser Val Gly Val Gly Ser Ala
80      195         200         205
81      Ser Gly Ile Asp Asp Gly Val Val Ser Glu Thr His Thr Ser Thr Thr
82      210         215         220
83      Asn Ser Ser Val Arg Ser Asp Pro Lys Phe Trp Val Ser Val Gly Ala
84      225         230         235         240
85      Ile Ala Ala Gly Leu Ala Gly Leu Ala Ala Thr Gly Ile Ala Gln Ala
86      245         250         255
87      Leu Ala Leu Thr Pro Glu Pro Asp Asp Pro Thr Thr Thr Asp Pro Asp
88      260         265         270
89      Gln Ala Ala Asn Ala Ala Glu Ser Ala Thr Lys Asp Gln Leu Thr Gln
90      275         280         285
91      Glu Ala Phe Lys Asn Pro Glu Asn Gln Lys Val Asn Ile Asp Ala Asn
92      290         295         300
93      Gly Asn Ala Ile Pro Ser Gly Glu Leu Xaa Asp Asp Ile Val Glu Gln
94      305         310         315         320

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all item 10
on Enn summary
sheet

PAGE: 3

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/189,415

DATE: 03/10/2000
TIME: 15:42:36

Input Set: I189415.RAW

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102              370                      375                      380
103   Ala Leu His Arg Arg Asn Gln Pro Ala Glu Gln Thr Thr Thr Thr Thr
104   385                      390                      395                      400
105   Thr His Thr Val Val Gln Gln Gln Thr Gly Gly Ile Pro Gln His Lys
106              405                      410                      415
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108              420                      425                      430
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112              450                      455                      460
113   Ala His Gln Pro Glu Glu His Ile Tyr Asp Glu Val Ala Ala Asp Pro
114   465                      470                      475                      480
115   Gly Tyr Ser Val Ile Gln Asn Phe Ser Gly Ser Gly Pro Val Thr Gly
116              485                      490                      495
117   Arg Leu Ile Gly Thr Pro Gly Gln Gly Ile Gln Ser Thr Tyr Ala Leu
118              500                      505                      510
119   Leu Ala Asn Ser Gly Gly Leu Arg Leu Gly Met Gly Gly Leu Thr Ser
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143   gatagcccaa ccacgaccga ccctgatgca gctgcaagtg caactgaaac tgcgacaaga 840
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<212> TYPE: PRT

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167      20 25 30
168      Gly Gln Leu Ile Asn Ser Thr Gly Pro Leu Gly Ser Arg Ala Leu Phe
169      35 40 45
170      Thr Pro Val Arg Asn Ser Met Ala Asp Ser Gly Asp Asn Arg Ala Ser
171      50 55 60
172      Asp Val Pro Gly Leu Pro Val Asn Pro Met Arg Leu Ala Ala Ser Glu
173      65 70 75 80
174      Ile Thr Leu Asn Asp Gly Phe Glu Val Leu His Asp His Gly Pro Leu
175      85 90 95
176      Asp Thr Leu Asn Arg Gln Ile Gly Ser Ser Val Phe Arg Val Glu Thr
177      100 105 110
178      Gln Glu Asp Gly Lys His Ile Ala Val Gly Gln Arg Asn Gly Val Glu
179      115 120 125
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182      Asp Pro Glu Gly Lys Asp Lys Phe Val Phe Thr Gly Gly Arg Gly Gly
183      145 150 155 160
184      Ala Gly His Ala Met Val Thr Val Ala Ser Asp Ile Thr Glu Ala Arg
185      165 170 175
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187      180 185 190
188      Gly Ala Gly Glu Ser Lys Gly Val Gly Glu Leu Arg Glu Ser Asn Ser
189      195 200 205
190      Gly Ala Glu Asn Thr Thr Glu Thr Gln Thr Ser Thr Ser Thr Ser Ser
191      210 215 220
192      Leu Arg Ser Asp Pro Lys Leu Trp Leu Ala Leu Gly Thr Val Ala Thr
193      225 230 235 240
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203	305					310					315			320
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208	Glu	Glu	Leu	Lys	Val	Ser	Ser	Gly	Ala	Gly	Tyr	Gly	Leu	Ser
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213	385					390					395			400
214	Thr	Thr	Thr	Ser	Ala	Arg	Thr	Val	Glu	Asn	Lys	Pro	Ala	Asn
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216	Pro	Ala	Gln	Gly	Asn	Val	Asp	Thr	Pro	Gly	Ser	Glu	Asp	Thr
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223	465					470					475			480
224	Arg	Ile	Trp	Gly	Ile	Gln	Ile	Ser	Val	Val	Tyr	Ser	Thr	Ile
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226	Pro	Pro	Arg	Asp	Thr	Thr	Asp	Asn	Gly	Ala	Arg	Leu	Leu	Gly
227			500						505				510	
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229			515					520				525		
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231		530					535				540			
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Line ? Error/Warning

Original Text

93 W "N" or "Xaa" used: Feature required

Gly Asn Ala Ile Pro Ser Gly Glu Leu Xaa A